

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Laurie Ann Perales
9723 Oak Street
Bellflower, CA 90706

Registered Nurse License No. 470126

Respondent.

Case No. 2007-260

OAH No. L2007070480

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Registered Nursing as its Decision in the above-entitled matter.

This Decision shall become effective on March 19, 2008.

IT IS SO ORDERED February 19, 2008.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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LAURIE ANN PERALES
9723 Oak Street
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Registered Nurse License No. 470126,

Respondent.

Case No. 2007-260

OAH No. L2007070480

PROPOSED DECISION

This matter came on regularly for hearing before Roy W. Hewitt, Administrative Law Judge, Office of Administrative Hearings, at San Diego, California on November 21, 2007.

Deputy Attorney General Kathleen B.Y. Lam represented complainant.

Laurie A. Perales (respondent) represented herself.

Oral and documentary evidence was received and the matter was submitted on November 21, 2007.

FACTUAL FINDINGS

1. The Accusation was filed by Ruth Ann Terry, M.P.H., R.N. (complainant), in her official capacity as the Executive Officer, Board of Registered Nursing (the board), Department of Consumer Affairs, State of California.

2. On August 31, 1991, the board issued Registered Nurse License number 470126 to respondent. At all times relevant to the instant proceedings respondent's license was, and currently is, in full force and effect.

3. On March 5, 2004, respondent was convicted, in Orange County Superior Court, in Case number 03NF1735, after entry of a guilty plea, to one count of violating California Penal Code sections 459/460 (second degree commercial burglary) and one count

of violating California Penal Code section 470, subdivision (d) (forgery), felony crimes involving moral turpitude which are substantially related to the qualifications, functions and duties of a licentiate.

4. The facts and circumstances underlying respondent's convictions are as follows: On May 6, 2003, respondent, who was employed by Pacificare Registry, was sent by the registry to work at La Palma Community Hospital located in La Palma, California. During respondent's shift at La Palma Hospital on May 6, 2003, patient TT (age 88) checked in to the hospital for physical therapy. Respondent took TT's personal items, including her checkbook, for safekeeping while TT underwent physical therapy.

On May 7, 2003, TT completed her physical therapy, was given her checkbook and other personal items, and was released from the hospital.

On May 9, 2003, TT noticed that one of her checks, check number 1614 was missing from her check book. TT called her bank, Washington Mutual, and learned that check number 1614 had been made payable to "Cash" in the amount of \$1,000.00 and had been negotiated on May 7, 2003.

TT had not negotiated check number 1614 so she notified the La Palma Police Department that someone had stolen and forged one of her checks.

The La Palma Police Department initiated an investigation of the reported theft and forgery. The investigation uncovered photographs of respondent negotiating the stolen and forged check at the Washington Mutual bank located in Bellflower, California. As a result of the investigation, respondent was arrested and charged with taking personal property exceeding \$400 in value from an elder adult, second degree burglary, forgery, and grand theft.

Ultimately, respondent pled guilty to second degree commercial burglary and forgery. The remaining charges were dismissed in exchange for respondent's guilty pleas.

5. As a result of her convictions, respondent was placed on three years of formal probation.

6. Respondent has successfully completed her grant of probation and is currently in the process of having "the charges dropped from felony to misdemeanor or have charges dropped." (Exh. A.)

7. Respondent testified that another hospital employee, a Certified Nurse Assistant (CNA), stole the check from TT. According to respondent:

"About 4 or 5 days later I was on my way to Washington Mutual Bank to make a deposit into my account. On the way I stopped at the Circle K store to buy a cup of coffee and while there I ran into [the

CNA] I had worked with at La Palma Hospital. We talked for awhile, I mentioned I was on my way to the bank. [The CNA] asked if I could cash a check for her because her wallet was stolen a few days ago therefore she didn't have any identification. I looked at the check, I asked her where did she get this check she said she was doing some private duty cases. I did notice it was a check from Washington Mutual and since I do bank there it wouldn't be a problem. I had about \$960.00 dollars cash on me that I was taking to the bank. [The CNA] said she would take that amount and I could keep the \$40.00 dollars for doing this for her. I asked her for a phone number where I could reach her in case there was a problem with the check and she did give me that information. I then left and went to my bank. I signed the check and deposited it into my checking account. (Exh. A.)"

In summary, respondent denies stealing the check from patient TT and seemingly claims that she was an innocent dupe in the forgery and theft acts. Even if believed,¹ respondent's rendition of what occurred leaves no doubt in the listener's mind that respondent knew the check was stolen and that respondent forged TT's signature on the check when she "signed the check and deposited it" (Exh. A.) She (respondent) was not just an innocent dupe.

8. Respondent presented two character reference letters in support of her quest to retain her license. (Exh. A.) Those letters were read and considered.

9. Respondent testified that her current employer does not know of her criminal convictions.

LEGAL CONCLUSIONS

1. Cause exists for discipline of respondent's license pursuant to California Business and Professions Code sections 490 and 2761, subdivisions (a) and (f) because, as set forth in Findings 3 and 4, respondent was convicted of criminal offenses substantially related to the qualifications, functions, and duties of a registered nurse.

2. Respondent failed to present adequate evidence of rehabilitation. Respondent's convictions are relatively recent, the convictions resulted from conduct that occurred during the course of respondent's employment as a Registered Nurse and, as set forth in Finding 7, respondent has not yet accepted responsibility for her criminal conduct. Consequently, respondent is not, at this time, an appropriate candidate for a grant of probation.

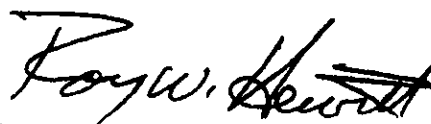
¹ In any case, respondent's testimony constitutes an impermissible attempt to impeach her conviction. (*Arneson v. Fox* (1980) 28 Cal.3d 440, 449.)

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

Registered Nurse license number 470126, issued to respondent, Laurie Ann Perales, is revoked.

DATED: December 11, 2007

A handwritten signature in black ink, reading "Roy W. Hewitt". The signature is written in a cursive style with a horizontal line underneath the name.

ROY W. HEWITT
Administrative Law Judge
Office of Administrative Hearings

1 EDMUND G. BROWN JR., Attorney General
of the State of California

2 MARGARET A. LAFKO

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10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 2007-260

14 LAURIE ANN PERALES

9723 Oak Street

15 Bellflower, CA 90706

16 RN License No. 470126

A C C U S A T I O N

17 Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
23 Department of Consumer Affairs.

24 2. On or about August 31, 1991, the Board of Registered Nursing issued
25 Registered Nursing license number 470126 to LAURIE ANN PERALES (hereinafter
26 Respondent). Said license will expire on October 31, 2008, unless renewed.

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1 6. Section 125.3 of the Code provides, in pertinent part, that the Board may
2 request the administrative law judge to direct a licensee found to have committed a violation or
3 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
4 and enforcement of the case.

5
6 **CHARGES AND ALLEGATIONS:**

7 **(March 5, 2004 Convictions for Second Degree Commercial Burglary**
8 **and Forgery-Felonies, re: May 2003 Incident)**

9 7. On May 6, 2003, victim/patient, TT, (age 88) arrived at Kaiser Hospital to
10 receive physical therapy. While checking in at the hospital, TT gave her check book and \$20
11 cash to Respondent for safe keeping. When receiving the check book from TT, Respondent
12 commented to TT that they both banked at Washington Mutual. The next day, on May 7, 2003,
13 TT completed her therapy, received her check book and \$20 cash back from Respondent and was
14 released. On May 9, 2003, TT noticed that one of her checks, check no. 1614, was missing. TT
15 telephoned Washington Mutual and learned that check no. 1614 was forged by someone other
16 than TT and made payable to Cash in the amount of \$1,000 on May 7, 2003. TT notified the La
17 Palma Police Department that someone had stolen and forged one of her checks.

18 8. An investigation conducted by the La Palma Police Department revealed
19 that TT's \$1,000 forged check was negotiated at Washington Mutual located in Bellflower,
20 California. Photographs depicting the person who negotiated TT's forged check at Washington
21 Mutual were obtained and reviewed. The photographs depicted Respondent negotiating the
22 victim's stolen check. Further, Respondent cashed the victim's \$1,000 stolen and forged check
23 and placed the proceeds into Respondent's own bank account at Washington Mutual.

24 9. On June 4, 2003, Respondent was arrested by La Palma Police detectives
25 and charged in a four count felony complaint, which was filed in Orange County Superior Court
26 Case No. 03NF1735, entitled, *The People of the State of California v. Laurie Ann Perales*. The
27 felony complaint alleged as follows: Count 1 for violating Penal Code (PC) section 368 (d), for
28 taking personal property exceeding \$400 in value from an elder adult; Count 2 for violating PC

1 459-460, for Burglary in the second degree; Count 3 for violating PC 470 (d), for acts
2 constituting forgery, proof of forged bill; and Count 4 for violating PC 487 (a), for grand theft.

3 10. On March 5, 2004, Respondent pled guilty in Orange County Superior
4 Court Case No. 03NF1735 to violating Count two (Second degree commercial burglary) and
5 Count three (Forgery), in exchange Counts one and four above were dismissed. As part of her
6 criminal sentencing, Respondent was ordered to pay restitution, pay \$200 in fines, complete three
7 years formal probation, serve 180 days in Orange County Jail, and obey all laws.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct Re: Conviction)**

10 11. Respondent is subject to disciplinary action under section 2761(a) and (f)
11 in that Respondent was convicted of two felonies, Second degree commercial burglary and
12 Forgery, which occurred while Respondent was performing her nursing duties, all of which are
13 substantially related to the qualifications, functions, and duties of a registered nurse as set forth in
14 the allegation paragraphs above.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Unprofessional Conduct Re: Conviction)**

17 12. Respondent is subject to disciplinary action under section 490 in that
18 Respondent was convicted of two felonies related to her theft and forgery of a patient's check
19 which are substantially related to the qualifications, functions, and duties of a registered nurse as
20 set forth in the allegation paragraphs above.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nursing license number 470126 issued to LAURIE ANN PERALES;
2. Ordering LAURIE ANN PERALES to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 4/2/07


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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Accusation Forged Check Theft.wpd
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